

DOCKET NO.: NL000591
CLIENT NO.: PHIL06-00591

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : JAN EVELEENS ET AL.
Serial No. : 09/992,928
Filed : November 5, 2001
For : METHOD AND DEVICE FOR COMMUNICATING A COMMAND
Group No. : 2614
Examiner : Paulos M. Natnael

MAIL STOP 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

Applicant hereby requests a refund in the amount of \$330.00 for the two month extension of time fee charged to Davis Munck Deposit Account No. 50-0208 on December 15, 2004. A copy of the Deposit Account Statement dated December 2004 is attached.

Applicant filed an Amendment and Response to Office Action along with a Petition for Extension of Time with a check in the amount of \$286.00 which included the \$110.00 for the one month extension of time fee on October 7, 2004 (copy enclosed). Since the fee was paid by check, no additional fees were due. Also enclosed is a copy of the return date-stamped acknowledging receipt of the Amendment and Response to Office Action and accompanying documents.

Please issue a credit in the amount of \$330.00 to Davis Munck Deposit Account No. 50-0208 for this overpayment.


BEST AVAILABLE COPY

ATTORNEY DOCKET No.: NL000591
U.S. SERIAL No.: 09/992,928
PATENT

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: March 4, 2005



William A. Munck
Registration No. 39,308

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**United States
Patent and
Trademark Office**



Deposit Account Statement

Requested Statement Month: December 2004
Deposit Account Number: 500208
Name: DAVIS MUNCK
Attention: JOHN T MOCKLER
Address: 900 THREE GALLERIA TOWER
City: DALLAS
State: TX
Zip: 75240

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/02	111	10680949	2003.10.008.WS0	8007	\$20.00	\$3,572.00
12/02	112	10743341	2003.10.018.WS0	8007	\$20.00	\$3,552.00
12/02	119	10899566	2003.09.010.WS0	8007	\$20.00	\$3,532.00
12/02	121	10672607	2003.08.007.WS0	8007	\$20.00	\$3,512.00
12/02	122	60500160	2003.09.010.WS0	8007	\$20.00	\$3,492.00
12/02	127	10888034	2003.08.012.WS0	8007	\$20.00	\$3,472.00
12/02	128	60495461	2003.08.012.WS0	8007	\$20.00	\$3,452.00
12/02	185	60497271		8007	\$40.00	\$3,412.00
12/02	187	10764130		8007	\$40.00	\$3,372.00
12/02	189	60497274		8007	\$40.00	\$3,332.00
12/02	190	10764129		8007	\$40.00	\$3,292.00
12/02	201	10681469		8007	\$20.00	\$3,272.00
12/06	32	E-REPLENISHMENT		9203	-\$3,000.00	\$6,272.00
12/06	122	0125290741		8014	\$25.00	\$6,247.00
12/06	123	0147820440		8014	\$25.00	\$6,222.00
12/06	124	0126330969		8014	\$25.00	\$6,197.00
12/06	125	0143070325		8014	\$25.00	\$6,172.00
12/06	581	78526998	RFMI01-00262	7001	\$335.00	\$5,837.00
12/10	3	09801625	PHNL 000095	1202	\$18.00	\$5,819.00
12/10	4	09801625	PHNL 000095	1201	\$176.00	\$5,643.00
12/13	6	10059982	98-C-152C1	1251	\$10.00	\$5,633.00
12/14	122	60497396	2003.08.009.WTO	8007	\$40.00	\$5,593.00
12/14	124	10763409	2003.08.009.WTO	8007	\$40.00	\$5,553.00
12/15	1	09992928	000591	1252	\$330.00	\$5,223.00
12/15	1	09370489	PHA 23,743	1251	\$110.00	\$5,113.00
12/16	3	09846607	PHNL 000222	1202	\$72.00	\$5,041.00
12/17	1	10279442	13039:213	1251	\$120.00	\$4,921.00
12/30	114	76437081	KIDK01-00011	7004	\$150.00	\$4,771.00

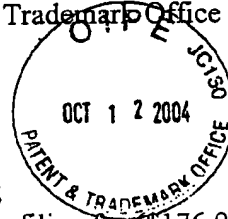
START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$3,592.00	\$1,821.00	\$3,000.00	\$4,771.00

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Mailed: October 7, 2004
In re. Application of: JAN EVELEENS, ET AL
Serial No.: 09/992,928
Filed: November 5, 2001
Title: METHOD AND DEVICE FOR COMMUNICATING A
COMMAND
Docket No.: NL 000591
Client No.: PHIL06-00591

The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

- 1) Certificate of Mailing by First Class Mail;
- 2) Amendment and Response To Office Action;
- 3) Petition for Extension of Time (1 month) (in duplicate);
- 4) Check in the amount of \$286.00 for the additional claims filing fee (\$176.00) and extension of time filing fee (\$110.00); and
- 5) Amendment Transmittal Letter (in duplicate).



RECEIVED

OCT 15 2004

DAVIS MUNCK

DOCKETED

OCT 18 2004

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In re. Application of: JAN EVELEENS, ET AL
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- 5) Amendment Transmittal Letter (in duplicate).

DOCKET NO. NL000591 DIV. _____ SER. NO. 09/992,928

PLEASE DATE STAMP AND RETURN TO
ACKNOWLEDGE RECEIPT OF NOTED DOCUMENTS

Amendment Transmittal (in duplicate)
Check - \$286.00

Application	<input type="checkbox"/>	Amendment	<input checked="" type="checkbox"/>
_____ Pages of		Issue Fee	<input type="checkbox"/>
spec., claims & abs.		Notice of Appeal	<input type="checkbox"/>
Con. Doc.	<input type="checkbox"/>	Extension	<input checked="" type="checkbox"/>
Drawings	Inf. <input type="checkbox"/>	Mailing Cert	<input checked="" type="checkbox"/>
No. Sh.	For. <input type="checkbox"/>	Assignment	<input type="checkbox"/>
Power of Att.	<input type="checkbox"/>	Decl. - signed	<input type="checkbox"/>
MLG. Date <u>10/7/04</u>		- unsigned ...	<input type="checkbox"/>

DAVIS MUNCK, P.C. OPERATING ACCOUNT
A PROFESSIONAL CORPORATION

46703

VENDOR: Commissioner of Patents

10/07/2004 CHECK NO: 46703

OUR REF. NO.	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN
54536	PHIL06-00591 Filing fee for additional claims	10/7/2004	176.00	176.00	
54537	PHIL06-00591 Extension of time (1 month)	10/7/2004	110.00	110.00	

CHECK AMOUNT

\$286.00

46703

DAVIS MUNCK, P.C.
A PROFESSIONAL CORPORATION
900 THREE GALLERY TOWER
13155 NOEL ROAD
DALLAS, TEXAS 75240
(972) 628-3600

NORTH DALLAS BANK & TRUST CO.
32-98-1110

CHECK NO. 46703 CHECK DATE 10/7/2004 VENDOR NO. COMPAT

PAY TO THE ORDER OF Commissioner of Patents and Trademarks

CHECK AMOUNT \$286.00

Two hundred eighty-six and NO/100*****

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046703 1110009601 38 1567 71

DAVIS MUNCK, P.C. OPERATING ACCOUNT
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46703

Commissioner of Patents

10/07/2004

46703

54536	PHIL06-00591 Filing fee for additional claims	10/7/2004	176.00	176.00
54537	PHIL06-00591 Extension of time (1 month)	10/7/2004	110.00	110.00

CHECK AMOUNT

\$286.00

DOCKET NO. NL000591
CLIENT NO. PHIL06-00591

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jan Eveleens, et al.
Serial No.: 09/992,928
Filed: November 5, 2001
For: METHOD AND DEVICE FOR COMMUNICATING A
COMMAND
Group No.: 2614
Examiner: Paulos M. Natnael

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Amendment and Response to Office Action;
2. Petition for Extension of Time (1 month) (in duplicate);
3. Check in the amount of \$286.00 for the additional claims filing fee (\$176.00) and extension of time filing fee (\$110.00);
4. Amendment Transmittal Letter (in duplicate); and
5. Two (2) postcard receipts

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 7, 2004.

Date: Oct 7, 2004

Mailer

Date: Oct. 7, 2004

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DOCKET NO. NL000591
CLIENT NO. PHIL06-00591

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jan Eveleens, et al.
Serial No.: 09/992,928
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For: METHOD AND DEVICE FOR COMMUNICATING A
COMMAND
Group No.: 2614
Examiner: Paulos M. Natnael

MAIL STOP AMENDMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith is an Amendment and Response to Office Action in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					LARGE ENTITY	
(1)	(2) CLAIMS REMAINING AFTER AMENDMEN T	(3)	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) NUMBER OF EXTRA CLAIMS PRESENT	(6) RATE	(7) ADDIT IONAL FEE
TOTAL CLAIMS	20	-	20	0	X 18.00 =	\$0.00
IND. CLAIMS	8	-	6	2	X 88.00 =	\$176.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$176.00

DOCKET NO. NL000591 (PHIL06-00591)
SERIAL NUMBER: 09/992,928
PATENT

X A check in the amount of \$286.00 is attached for the additional claims filing fee (\$176.00) and for a one (1) month extension of time (\$110.00).

X Please charge any additional fees or credit any overpayment to the Davis Munck Deposit Account No. 50-0208.

A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: Oct. 7, 2004

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DOCKET NO. NL000591
CLIENT NO. PHIL06-00591

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jan Eveleens, et al.
Serial No.: 09/992,928
Filed: November 5, 2001
For: METHOD AND DEVICE FOR COMMUNICATING A
COMMAND
Group No.: 2614
Examiner: Paulos M. Natnael

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR EXTENSION OF TIME

Applicant respectfully requests a one (1) month extension of time for filing a response to the Office Action mailed June 7, 2004. The response period is presently set to expire on September 7, 2004, and if this Petition for Extension of Time is granted, the new response date will be October 7, 2004.

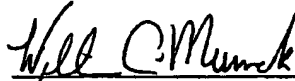
ATTORNEY DOCKET NO. NL000591 (PHIL06-00591)
U.S. SERIAL NO. 09/992,928
PATENT

A check in the amount of \$110.00 is enclosed for the one (1) month extension fee. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: Oct. 7, 2004



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DOCKET NO. NL000591
CLIENT NO. PHIL06-00591

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jan Eveleens, et al.
Serial No.: 09/992,928
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For: METHOD AND DEVICE FOR COMMUNICATING A
COMMAND
Group No.: 2614
Examiner: Paulos M. Natnael

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT AND RESPONSE TO OFFICE ACTION

This AMENDMENT AND RESPONSE responds to an Office Action dated June 7, 2004. The shortened statutory period for reply expired on September 7, 2004. The Applicants respectfully request a one (1) month extension of time for responding to the Office Action. The shortened statutory period for reply now expires on October 7, 2004.

In response to the Office Action dated June 7, 2004, please amend the above-identified patent application as follows.

IN THE CLAIMS

Please amend the claims as follows.

1. (Currently Amended) A method of communicating a command to a controllable device [[[130)]]], comprising the steps of:
[[•]] generating a watermark comprising the command, which is to be executed by the controllable device; [[[130),]]
[[•]] generating a watermarked signal [[[120)]] comprising the watermark and an information unit [[[116)]] to be transmitted to the controllable device; [[[130),]] and
[[•]] transmitting the watermarked signal [[[120)]] to the controllable device [[[130)]] for causing the controllable device [[[130)]] to execute the command.
2. (Currently Amended) A method as claimed in claim 1, wherein the watermarked signal [[[120)]] is generated in a first domain ~~by outputting a watermark signal representing the watermark to the first domain for merging the watermark signal with an information signal representing and~~ the information unit [[[116)]] is generated in the first a second domain.
3. (Original) A method as claimed in claim 2, where the first domain is one of the acoustic domain and the visual domain.

4. (Previously Presented) A method as claimed in claim 2, where the second domain is the electrical domain.

5. (Currently Amended) A method as claimed in claim 1, where the command relates to at least one of: control of a physical movement of a part of the controllable device [[[130]]], rendering of an audio output by the controllable device [[[130]]], rendering of a visual output by the controllable device [[[130]]], and adjusting a value for at least one parameter associated with the command.

6. (Currently Amended) An arrangement for remotely controlling a controllable device [[[130)]]], comprising:
- [[•]] embedding means [[[113)]]] for generating a watermark comprising [[the]] a command, which is to be executed by the controllable device; [[[130),]]
 - [[•]] watermarking means [[[114)]]] for generating a watermarked signal [[[120)]]] comprising the watermark and an information unit [[[116)]]] to be transmitted to the controllable device; [[[130),]]
 - [[•]] output means [[[115)]]] for transmitting the watermarked signal [[[120)]]] to the controllable device [[[130)]]] for causing the controllable device [[[130)]]] to execute the command; [[,]]
 - [[•]] receiving means [[[131)]]] for receiving the signal in the controllable device; [[[130),]]
 - [[•]] decoding means [[[132)]]] for obtaining the information unit from the signal and obtaining the command from the information unit; [[,]] and
 - [[•]] executing means [[[133)]]] for executing the command.

7. (Currently Amended) A controlling device arranged for communicating a command ~~in a first domain~~ to a controllable device, comprising:

[[•]] embedding means [[[113)]] for generating a watermark comprising the command, which is to be executed by the controllable device; [[[130),]]

[[•]] watermarking means [[[114)]] for generating a watermarked signal [[[120)]] comprising the watermark and an information unit [[[116)]] to be transmitted to the controllable device; [[[130),]] and

[[•]] output means [[[115)]] for transmitting the watermarked signal [[[120)]] to the controllable device [[[130)]] for causing the controllable device [[[130)]] to execute the command.

8. (Currently Amended) A controllable device arranged for receiving a command ~~in a first domain~~ from a controlling device, comprising:

[[•]] receiving means [[[131)]] for receiving [[the]] a watermarked signal in the controllable device; [[[130),]]

[[•]] decoding means [[[132)]] for obtaining [[the]] an information unit from the signal and obtaining the command from a watermark in the information unit; [[,]] and

[[•]] executing means [[[133)]] for executing the command.

9. (Original) A computer program product being arranged for causing a processor to execute the method of claim 1.

10. (Currently Amended) A method of presenting an advertisement [[[430)]] to a user [[[420)]]], comprising the steps of:

[[•]] generating a watermark comprising [[the]] a command, which is to be executed by the controllable device [[[232)]]], the command being related to presenting an advertisement; [[[430),]]

[[•]] generating a watermarked signal [[[120)]] comprising the watermark and an information unit [[[116)]] to be transmitted to the controllable device; [[[232),]] and

[[•]] transmitting the watermarked signal [[[120)]] to the controllable device [[[130)]] for causing the controllable device [[[130)]] to execute the command by generating the advertisement [[[430)]] and presenting the advertisement [[[430)]] to the user [[[420)]]].

11. (Currently Amended) A method as claimed in claim 10, further comprising the steps of:

[[•]] maintaining a user profile [[[411)]] for the user [[[420)]] based on a sale of a controllable device [[[130)]] to the user; [[[420),]]

[[•]] determining using the user profile [[[411)]] a product that the user is likely to want to buy, and

[[•]] adding an identifier for the product to the command.

12. (Currently Amended) A signal [[[120)]] comprising an information unit [[[116)]] in which a watermark is embedded, the watermark comprising a command to be executed by a controllable device [[[130)]]].

13. (New) An apparatus for remotely controlling a controllable device, comprising:

an embedding module for generating a watermark comprising a command to be executed by the controllable device;

a watermarking module for generating a watermarked signal comprising the watermark and an information unit to be transmitted to the controllable device; and

an output module for transmitting the watermarked signal to the controllable device for causing the controllable device to execute the command.

14. (New) The apparatus of Claim 13, wherein the watermarked signal is generated in a first domain and the information unit is generated in a second domain.

15. (New) The apparatus of Claim 14, wherein the first domain comprises one of a visual domain and an acoustic domain, and the second domain comprises an electrical domain.

16. (New) The apparatus of Claim 14, wherein:
the modules form a portion of one of: a television and a loudspeaker; and
the information unit comprises at least a portion of one of: a television program, a radio program, a movie, an advertisement, a picture, and a sound.

17. (New) An apparatus for receiving a command from a controlling device, comprising:

a receiving module for receiving a watermarked signal comprising a watermark from the controlling device;

a decoding module for obtaining an information unit from the watermarked signal and obtaining a command from the information unit; and

a executing module for executing the command.

18. (New) The apparatus of Claim 17, wherein the watermarked signal is generated in a first domain and the information unit is generated in a second domain.

19. (New) The apparatus of Claim 18, wherein the first domain comprises one of a visual domain and an acoustic domain, and the second domain comprises an electrical domain.

20. (New) The apparatus of Claim 17, wherein:

the modules form a portion of one of: a mobile telephone, a television receiver, a stereo, a toy, a handheld computer, and a personal digital assistant; and

the information unit comprises at least a portion of one of: a television program, a radio program, a movie, an advertisement, a picture, and a sound.

REMARKS

Claims 1-12 were pending in this application.

Claims 1-12 have been rejected.

Claims 1, 2, 5-8, and 10-12 have been amended as shown above.

Claims 13-20 have been added.

Claims 1-20 are now pending in this application.

Reconsideration and full allowance of Claims 1-20 are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-10 and 12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,490,681 to Kobayashi et al. ("*Kobayashi*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

Kobayashi recites a system for replacing visible watermarks with invisible watermarks. (*Abstract*). In the system, a key is used to embed and remove the visible watermark and is

transmitted with watermarked content. (*Col. 3, Line 65 – Col. 4, Line 6; Col. 8, Lines 21-23*). The key includes a keyword, a start position, a watermark size, and a watermark dot pattern. (*Col. 4, Lines 7-10*).

Kobayashi simply recites that a key is used to embed and remove a visible watermark. *Kobayashi* lacks any mention that a visible watermark or an invisible watermark contains a “command” that is “to be executed by [a] controllable device” as recited in Claim 1. While the key of *Kobayashi* may be used to remove a visible watermark, the key does not represent a “command” that is “to be executed by [a] controllable device.” Moreover, the key is not part of the visible watermark. Because the key is not part of the visible watermark, the key of *Kobayashi* cannot anticipate a “watermark comprising [a] command” that is “to be executed by [a] controllable device” as recited in Claim 1. For these reasons, *Kobayashi* fails to anticipate all elements of Claim 1 (and its dependent claims).

Claim 6 recites “embedding means for generating a watermark comprising a command, which is to be executed by [a] controllable device.” Claim 7 recites “embedding means for generating a watermark comprising [a] command, which is to be executed by [a] controllable device.” Claim 8 recites “decoding means for obtaining an information unit from [a watermarked] signal and obtaining [a] command from a watermark in the information unit.” Claim 10 recites “generating a watermark comprising a command, which is to be executed by [a] controllable device.” Claim 12 recites a signal comprising “an information unit in which a watermark is embedded, the watermark comprising a command to be executed by a controllable device.”

As described above, *Kobayashi* fails to anticipate a "watermark" that includes a "command" to be executed by a controllable device. For these reasons, *Kobayashi* fails to anticipate all elements of Claims 6-8, 10, and 12 (and their dependent claims).

Accordingly, the Applicants respectfully request withdrawal of the §102 rejection and full allowance of Claims 1-10 and 12.

II. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi*. This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re*

Grabiak, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (MPEP § 2142).

Claim 11 depends from Claim 10. As described above in Section I, Claim 10 is patentable. As a result, Claim 11 is patentable due to its dependence from an allowable base claim.

Accordingly, the Applicants respectfully request withdrawal of the § 103 rejection and full allowance of Claim 11.

III. NEW CLAIMS

The Applicants have added new Claims 13-20. The Applicants respectfully submit that no new matter has been added. The Applicants respectfully request entry and full allowance of Claims 13-20.

DOCKET NO. NL000591 (PHIL06-00591)
SERIAL NO. 09/992,928
PATENT

IV. CONCLUSION

As a result of the foregoing, the Applicants assert that the claims in this application are in condition for allowance and respectfully request allowance of such claims.

DOCKET NO. NL000591 (PHIL06-00591)
SERIAL NO. 09/992,928
PATENT

SUMMARY


If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Applicants have included the appropriate fee to cover the cost of the AMENDMENT AND RESPONSE. The Applicants have also included the appropriate fee to cover the cost of a one (1) month extension of time. The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fee) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: Oct. 7, 2004



William A. Munck
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DOCKET NO.: NL000591
CLIENT NO.: PHIL06-00591

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : JAN EVELEENS ET AL. 09/09/2002
Serial No. : 09/992,928
Filed : November 5, 2001
For : METHOD AND DEVICE FOR COMMUNICATING A
COMMAND
Group No. : 2614
Examiner : Paulos M. Natnael

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

The undersigned hereby certifies that the following documents:

1. Request for Refund;
2. Copy of Amendment and Response to Office Action and accompanying documents as filed on October 7, 2004 and a copy of the return date-stamped postcard;
3. Copy of Deposit Account Statement dated December 2004; and
4. A return postcard

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 7, 2005.

Date: March 7, 2005

Kathy Hamilton
Mailer

Date: March 9, 2005

William A. Munck
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E-mail: wmunck@davismunck.com

DOCKET NO. NL000591
CLIENT NO. PHIL06-00591



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
OCT 18 2004
Technology Center 2600

In re application of: Jan Eveleens, et al.
Serial No.: 09/992,928
Filed: November 5, 2001
For: METHOD AND DEVICE FOR COMMUNICATING A
COMMAND
Group No.: 2614
Examiner: Paulos M. Natnael

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR EXTENSION OF TIME

Applicant respectfully requests a one (1) month extension of time for filing a response to the Office Action mailed June 7, 2004. The response period is presently set to expire on September 7, 2004, and if this Petition for Extension of Time is granted, the new response date will be October 7, 2004.

10/13/2004 CCHAU1 00000009 09992928

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Page 1 of 2


ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10/13/2004 BY 60322 UCBAW

ATTORNEY DOCKET NO.: NL000591
U.S. SERIAL NO.: 09/992,928
PATENT

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: March 4, 2005



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